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# HOUSE BILL No. 1081

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8.

**Synopsis:** Line of duty health care expenses of police and firefighters. Requires a police or fire special service district, a town, a township, a unit using volunteer firefighters, or a provider unit in fire protection territories to pay the medical and hospital care expenses for a police officer or firefighter who is injured or contracts an illness in the line of duty.

**Effective:** July 1, 2002.

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January 8, 2002, read first time and referred to Committee on Local Government.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1081

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-8-4.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2002]:
- 4 **Chapter 4.3. Police and Fire Employment Policies in Special**
- 5 **Service Districts**
- 6 **Sec. 1. This chapter applies to a police or fire special service**
- 7 **district created by IC 36-3-1-6.**
- 8 **Sec. 2. (a) A special service district shall pay for the care of:**
- 9 **(1) a police officer who:**
- 10 **(A) suffers an injury; or**
- 11 **(B) contracts an illness;**
- 12 **during the performance of the officer's duty; or**
- 13 **(2) a firefighter who:**
- 14 **(A) suffers an injury; or**
- 15 **(B) contracts an illness;**
- 16 **during the performance of the firefighter's duty.**
- 17 **(b) The special service district shall pay for the following**



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1 expenses incurred by a police officer or firefighter described in  
2 subsection (a):

3 (1) Medical and surgical care.

4 (2) Medicines and laboratory, curative, and palliative agents  
5 and means.

6 (3) X-ray, diagnostic, and therapeutic service, including  
7 during the recovery period.

8 (4) Hospital and special nursing care if the physician or  
9 surgeon in charge considers it necessary for proper recovery.

10 (c) Expenditures required by subsection (a) shall be paid from  
11 the general fund of the special service district.

12 (d) A special service district that has paid for the care of a police  
13 officer or firefighter under subsection (a) has a cause of action for  
14 reimbursement of the amount paid under subsection (a) against  
15 any third party against whom the police officer or firefighter has  
16 a cause of action for an injury sustained because of, or an illness  
17 caused by, the third party. The special service district's cause of  
18 action under this subsection is in addition to, and not in lieu of, the  
19 cause of action of the police officer or firefighter against the third  
20 party.

21 SECTION 2. IC 36-8-9-8 IS ADDED TO THE INDIANA CODE  
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
23 1, 2002]: Sec. 8. (a) A town shall pay for the care of a police officer  
24 who:

25 (1) suffers an injury; or

26 (2) contracts an illness;

27 during the performance of the officer's duty.

28 (b) The town shall pay for the following expenses incurred by a  
29 police officer described in subsection (a):

30 (1) Medical and surgical care.

31 (2) Medicines and laboratory, curative, and palliative agents  
32 and means.

33 (3) X-ray, diagnostic, and therapeutic service, including  
34 during the recovery period.

35 (4) Hospital and special nursing care if the physician or  
36 surgeon in charge considers it necessary for proper recovery.

37 (c) Expenditures required by subsection (a) shall be paid from  
38 the general fund of the town.

39 (d) A town that has paid for the care of a police officer under  
40 subsection (a) has a cause of action for reimbursement of the  
41 amount paid under subsection (a) against any third party against  
42 whom the police officer has a cause of action for an injury

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sustained because of, or an illness caused by, the third party. The town's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer against the third party.

SECTION 3. IC 36-8-12-10.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10.2. (a) A unit shall pay for the care of a volunteer firefighter who;

(1) suffers an injury; or

(2) contracts an illness;

during the performance of the firefighter's duty.

(b) The unit shall pay for the following expenses incurred by a volunteer firefighter described in subsection (a):

(1) Medical and surgical care.

(2) Medicines and laboratory, curative, and palliative agents and means.

(3) X-ray, diagnostic, and therapeutic service, including during the recovery period.

(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the unit.

(d) A unit that has paid for the care of a volunteer firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the volunteer firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The unit's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the volunteer firefighter against the third party.

SECTION 4. IC 36-8-13-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) A township shall pay for the care of a firefighter who suffers:

(1) an injury; or

(2) contracts an illness;

during the performance of the firefighter's duty.

(b) The township shall pay for the following expenses incurred by a firefighter described in subsection (a):

(1) Medical and surgical care.

(2) Medicines and laboratory, curative, and palliative agents and means.

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(3) X-ray, diagnostic, and therapeutic service, including during the recovery period.

(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the township.

(d) A township that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The township's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the firefighter against the third party.

SECTION 5. IC 36-8-19-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) A provider unit shall pay for the care of a firefighter who:

(1) suffers an injury; or

(2) contracts an illness;

during the performance of the firefighter's duty.

(b) The provider unit shall pay for the following expenses incurred by a firefighter described in subsection (a):

(1) Medical and surgical care.

(2) Medicines and laboratory, curative, and palliative agents and means.

(3) X-ray, diagnostic, and therapeutic service, including during the recovery period.

(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the provider unit.

(d) A provider unit that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The provider unit's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the firefighter against the third party.

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